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## UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

CELGENE CORPORATION,

Plaintiff,

 $\boldsymbol{V}_\bullet$ 

NATCO PHARMA LIMITED, ARROW INTERNATIONAL LIMITED, and WATSON LABORATORIES, INC.,

Defendants.

Civil Action No. 10-5197 (SDW)(LDW) Civil Action No. 12-4571 (SDW)(LDW)

Consolidated

(Filed Electronically)

## **CONSENT JUDGMENT**

Celgene Corporation ("Celgene") and Defendants Natco Pharma Limited ("Natco"), Arrow International Limited ("Arrow"), and Watson Laboratories, Inc. ("Watson") (collectively, "Defendants"), the parties in the above-captioned action, have agreed to terms and conditions representing a negotiated settlement of this action and have set forth those terms and conditions in a Settlement Agreement (including its Exhibits, the "Settlement Agreement"). The parties hereby stipulate and consent to entry of judgment and an injunction in this action as follows:

- 1. This Court has jurisdiction over the subject matter of the above action and has personal jurisdiction over the parties for purposes of this action only, including as set forth below in Paragraph 6 of this Consent Judgement.
- 2. As used in this Consent Judgment, (i) the term "Natco ANDA Product" shall mean a drug product sold, offered for sale, or distributed pursuant to Abbreviated New Drug Application No. 201452 (as defined in greater detail in the Settlement Agreement and its Exhibits as the "Natco ANDA"); and (ii) the term "Affiliate" shall have the definition provided in the Settlement Agreement and its Exhibits.
- 3. As used in this Consent Judgment, the term "Patents-in-Suit" shall mean U.S. Patent Nos. 5,635,517, 6,045,501, 6,315,720, 6,561,976, 6,561,977, 6,755,784, 7,189,740, 7,465,800, 7,968,569, 7,977,357, 8,193,219, 8,315,886, 8,404,717, and 8,431,598.
- 4. Until expiration of the Patents-in-Suit, Defendants, including any of their Affiliates, successors, and assigns, are enjoined from infringing the Patents-in-Suit, on their own part or through any Affiliate, by making, having made, using, selling, offering to sell, importing, or distributing of the Natco ANDA Product, unless and to the extent otherwise specifically authorized pursuant to the Settlement Agreement, and are further enjoined from working in active concert with any third parties in connection with any infringement of the Patents-in-Suit by any such third parties, unless and to the extent otherwise specifically authorized pursuant to the Settlement Agreement.
- Compliance with this Consent Judgment may be enforced by Celgene and its respective successors in interest or assigns as permitted by the terms of the Settlement Agreement.

- 6. This Court retains jurisdiction to enforce or supervise performance under this Consent Judgment and the Settlement Agreement.
- 7. All claims, counterclaims, affirmative defenses and demands in this action are hereby dismissed with prejudice and without costs, disbursements or attorneys' fees to any party.
- 8. Nothing herein prohibits or is intended to prohibit Defendants from maintaining a "Paragraph IV Certification" pursuant to 21 U.S.C. § 355(j)(2)(A)(vii)(IV) or pursuant to 21 C.F.R. § 314.94(a)(12) with respect to the Patents-in-Suit.
- 9. Nothing herein restricts or is intended to restrict the U.S. Food and Drug Administration from approving the Natco ANDA.

We hereby consent to the form and entry of this Order:

Dated: December 22, 2015

By:

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s/ James S. Richter By:

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Attorneys for Plaintiff

Celgene Corporation

Attorneys for Defendants Natco Pharma Limited, Arrow International Limited, and Watson Laboratories, Inc.

IT IS this

AND DECREED: ORDER DADJUDGED

M 2016:

U.S.D.J. \$usan/D.